REMARKS

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-24 were previously pending in this Application. Within the previous Office Action, Claims 1-24 have been rejected. By the above amendments, Claims 1, 7-9, 17, 20, 23, and 24 have been amended, and Claims 12 and 21 have been canceled. Accordingly, Claims 1-11, 13-20, and 22-24 are currently pending in the application.

Support for Amendments to Claims 1, 7-9, 17, 20, 23, and 24

Applicant respectfully submits that the amendments to Claims 1, 7-9, 17, 20, 23, and 24 are supported by the original disclosure of the present application.

Support for the common application programming interface being a single application programming interface that is configured to be used by a plurality of applications is found in FIG. 3 and throughout the specification (e.g., Page 2, lines 12-21; Page 3, lines 13-15; Page 11, lines 17-21; Page 18, lines 1-3; Page 19, lines 13-15; and Page 20, lines 10-12).

Therefore, Applicant respectfully submits that the amendments to Claims 1, 7-9, 17, 20, 23, and 24 are fully supported by the original disclosure and do not introduce any new matter.

Rejections Under 35 U.S.C. § 102

Within the previous Office Action, Claims 1-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Warren (US 2003/0204612 A1). Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. Further, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

Directing attention to MPEP 2131, the threshold issue under Section 102 is whether a *prima facie* case for anticipation has been established. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in the …claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Warren teaches a system and method for facilitating device communication, management and control in a network. The apparatus of Warren includes a command translator operable to

receive the command and generate at least one device command corresponding to the command. [Warren, Abstract] Warren also teaches that the apparatus includes a plurality of protocol converters each operable to receive at least one device command, translate the at least one device command from a first protocol to a second protocol, and communicate the at least one device command to one or more network elements. [Warren, Abstract] Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. Further, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

Warren teaches that an abstraction device 106 may allow a manager 102 to communicate and exchange information with a network element 108 when manager 102 and network element 108 use different communication protocols. [Warren, ¶ 0020] Warren further teaches that in a particular embodiment, the manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108, which allows the manager 102 to communicate with different network elements 108 using a common protocol. [Warren, ¶ 0020] However, this common protocol referred to within the teachings of Warren is specifically related to the manager 102 and not formatted in a *common* application programming interface, as claimed within the presently pending claims. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

In contrast to the teachings of Warren, the methods and apparatuses of the present invention include translating commands formatted in different protocols into a common application programming interface. Network translator modules act as translators between a plurality of network protocols and a single, common application programming interface (API) for network communication. Each unique translator module translates between the common API and a corresponding unique network protocol. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

Within the Response to Arguments section of the previous Office Action, it is argued that Warren teaches that the manager 102 communicates using a web services protocol and that abstraction layer 106 translates between the web services protocol and the protocols used by network elements 108, which allows the manager 102 to communicate with different network elements 108 using a common protocol. However, this "common protocol" is not a single application programming interface that is configured to be used by a plurality of applications. Rather, it is meant to express that a command from the work manager can be translated into a protocol used by a specific network element. Whether a command is transmitted from the work manager to a network element or from a network element to the work manager, there is no disclosure in Warren of the command being translated into a command that is formatted in a single, common application programming interface that is configured to be used by more than one application. The commands in Warren are translated into specific protocols, not into commands that can be used by a variety of different applications.

The independent Claim 1 is directed to a method comprising detecting at least one device, detecting a protocol associated with each device, matching the detected protocol with a protocol translator module and using the protocol translator module to translate a command formatted in the protocol into a translated command formatted in a common application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. For at least these reasons, the independent Claim 1 is allowable over the teachings of Warren.

Claims 2-6 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Warren. Accordingly, Claims 2-6 are all also allowable as being dependent on an allowable base claim.

The independent Claim 7 is directed to a system comprising means for detecting at least one device, means for detecting a protocol associated with each device, means for matching the detected protocol with a protocol translator module and means for using the protocol translator module to translate a command formatted in the protocol into a translated command formatted in a common application programming interface, wherein the common application programming

interface is a single application programming interface that is configured to be used by a plurality of applications. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. Warren teaches translating into protocols corresponding to specific devices. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. For at least these reasons, the independent Claim 7 is allowable over the teachings of Warren.

The independent Claim 8 is directed to a method comprising detecting at least one service, detecting a protocol associated with each service, matching the detected protocol with a protocol translator module and using the protocol translator module to translate a command formatted in the protocol into a translated command formatted in a common application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. Warren teaches translating into protocols corresponding to specific devices. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. For at least these reasons, the independent Claim 8 is allowable over the teachings of Warren.

The independent Claim 9 is directed to a method comprising detecting a plurality of devices wherein each unique device communicates using a corresponding protocol, displaying an indication of each device if a protocol translator module is matched with the corresponding protocol and translating a command formatted in the corresponding protocol into a translated command formatted in a common application programming interface through the protocol translator module, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. Warren does not teach displaying an indication of each device if a protocol translator module is matched with the corresponding protocol. Warren teaches identifying communications protocol used by a network element and mapping information in command to a device command, but not displaying an indication if a protocol translator module is matched with the corresponding protocol. As also

described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. For at least these reasons, the independent Claim 9 is allowable over the teachings of Warren.

Claim 12 has been canceled by the above amendment. Claims 10, 11 and 13-16 are all dependent on the independent Claim 9. As described above, the independent Claim 9 is allowable over the teachings of Warren. Accordingly, Claims 10, 11 and 13-16 are all also allowable as being dependent on an allowable base claim.

The independent Claim 17 is directed to a method comprising identifying a plurality of protocol translator modules wherein each protocol translator module is associated with a unique protocol, storing a list representing the plurality of protocol translator modules, displaying an indication of each device having a device protocol that is compatible with one of the plurality of protocol translator modules in the list and translating a command formatted in the device protocol into a translated command formatted in a common application programming interface through one of the plurality of protocol translator modules, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. As described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface. Warren teaches translating into protocols corresponding to specific devices. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a *common* application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications. For at least these reasons, the independent Claim 17 is allowable over the teachings of Warren.

Claims 18 and 19 are both dependent on the independent Claim 17. As described above, the independent Claim 17 is allowable over the teachings of Warren. Accordingly, Claims 18 and 19 are both also allowable as being dependent on an allowable base claim.

The independent Claim 20 is directed to a system comprising a plurality of applications configured for operating through a single, common application programming interface, a first device configured for operating using a first protocol, a second device configured for operating using a second protocol and a protocol translation layer configured for searching for a first protocol translation module corresponding to the first protocol and for searching for a second protocol translation module corresponding to the second protocol, wherein the protocol

translation layer is configured to translate a first command formatted in the first protocol into a command formatted in the single, common application programming interface for use by one of the plurality of applications and to translate a second command formatted in the second protocol into a command formatted in the single, common application programming interface for use by another one of the plurality of applications. As described above, Warren does not teach an application configured for operating through a *common* application programming interface. Warren teaches translating into protocols corresponding to specific devices. As also described above, Warren does not teach translating a command formatted in a protocol into a translated command formatted in a single, *common* application programming interface for use by another one of the plurality of applications. For at least these reasons, the independent Claim 20 is allowable over the teachings of Warren.

Claim 21 has been canceled by the above amendment. Claim 22 is dependent on the independent Claim 20. As described above, the independent Claim 20 is allowable over the teachings of Warren. Accordingly, Claim 22 is also allowable as being dependent on an allowable base claim.

The independent Claim 23 is directed to a network protocol translation system comprising a processor that executes a plurality of run time processes that use only a single application programming interface for network communication, wherein the processor enables at least one of the run time processes to communicate via a first network protocol by executing a first translation module that translates between the first network protocol and the single application programming interface and wherein the processor enables the at least one of the run time processes to communicate via a second network protocol, different from the first network protocol, by executing a second translation module that translates between the second network protocol and the application programming interface. As described above, Warren does not teach a processor that executes a plurality of run time processes that use only a single application programming interface for network communication. Warren teaches translating into protocols corresponding to specific devices. For at least these reasons, the independent Claim 23 is allowable over the teachings of Warren.

The independent Claim 24 is directed to a method, executed on a computing platform, comprising the acts of executing a plurality of run time processes that uses only a single application programming interface for network communication, enabling at least one of the run time processes to communicate via a first network protocol by executing a first translation module that translates between the first network protocol and the single application programming interface and enabling the at least one of the run time processes to communicate via a second

network protocol, different from the first network protocol, by executing a second translation module that translates between the second network protocol and the single application programming interface. As described above, Warren does not teach executing a plurality of run time processes that use only a single application programming interface for network communication. Warren teaches translating into protocols corresponding to specific devices. For at least these reasons, the independent Claim 24 is allowable over the teachings of Warren.

For the reasons given above, the Applicant respectfully submits that Claims 1-11, 13-20, and 22-24 are all in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 30, 2008   By: /Jonathan O. Owens/
                                             Jonathan O. Owens
                                             Reg. No. 37,902
                                             Attorneys for Applicant(s)